



This document is scheduled to be published in the Federal Register on 03/02/2016 and available online at <http://federalregister.gov/a/2016-04568>, and on FDsys.gov

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption from the

Federal Motor Vehicle Theft Prevention Standard;

GENERAL MOTORS CORPORATION

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT)

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the General Motors Corporation's (GM) petition for an exemption of the Chevrolet Bolt vehicle line in accordance with 49 CFR Part 543, Exemption from Vehicle Theft Prevention Standard. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR Part 541, Federal Motor Vehicle Theft Prevention Standard (Theft Prevention Standard).

DATES: The exemption granted by this notice is effective beginning with the 2017 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, W43-439, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Ms. Ballard's phone number is (202) 366-5222. Her fax number is (202) 493-2990.

SUPPLEMENTARY INFORMATION: In a petition dated November 30, 2015, GM requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Chevrolet Bolt vehicle line beginning with MY 2017. The petition requested an exemption from parts-marking pursuant to 49 CFR Part 543, Exemption from Vehicle Theft Prevention Standard, based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR Part 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, GM provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the MY 2017 Chevrolet Bolt vehicle line. GM stated that it will install the PASS-Key III+ antitheft device as standard equipment on its MY 2017 Chevrolet Bolt vehicle line. The PASS-Key III+ is a passive, transponder based, electronic engine immobilizer antitheft device. GM stated that a keyless ignition system will also be installed on its Chevrolet Bolt vehicle line. Key components of its PASS-Key III+ system will include an electronically-coded ignition key (remote key fob), a PASS-Key III+ controller module, engine control module (ECM), immobilizer exciter module, radio frequency (RF) receiver, low frequency antennas (LF) and a passive antenna module. The remote key fob incorporates buttons that are designed to perform normal remote keyless door entry functions. GM stated that the device will provide protection against unauthorized use (i.e., starting and engine fueling), but will not provide any visible or audible indication of unauthorized vehicle entry (i.e., flashing lights or horn alarm).

GM's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in §543.5 and the specific content requirements of §543.6.

In addressing the specific content requirements of 543.6, GM provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, GM conducted tests based on its own specified standards. GM provided information on the specific tests it uses to validate the integrity, durability and reliability of the PASS-Key III+ device and believes that the device is reliable and durable since the components must operate as designed after each test. GM also stated that the design and assembly processes of the PASS-Key III+ subsystem and components are validated for 10 years of vehicle life and 150,000 miles of performance.

The PASS-Key III+ device is designed to be active at all times without direct intervention by the vehicle operator (i.e., no separate intentional action to turn on the security system is needed to achieve protection). GM stated that activation of the device occurs when the operator pushes the Engine Start/Stop switch to the "OFF" position. Deactivation of the immobilizer device occurs when a valid electronic key which resides in a remote key fob and matching immobilization code is verified, allowing the engine to start and continue normal operations. Specifically, GM stated that when the operator pushes the Engine Start/Stop switch to begin vehicle operation, the vehicle transmits randomly generated data and a vehicle identifier through three low-frequency antennas (within the passenger compartment of the vehicle) that are controlled by the passive antenna module. The electronic key receives the data and if the vehicle identifier matches the vehicle's programmed key, the electronic key will calculate a response to

the vehicle using the challenge and secret information that was shared between the key and the vehicle. The electronic key will then transmit a response through the RF channel to a vehicle mounted receiver which conveys the information to the PASS-Key III+ control module. The PASS-Key III+ control module compares the received response with an internally calculated response. GM stated that if the values match, the system will allow the vehicle to enter functional modes and transmit a fixed code pre-release password to the engine controller over the serial data bus enabling computation and communication of a response. If a valid key is not detected, the system will not transmit a password to the engine controller to allow operation of the vehicle.

GM stated that the PASS-Key III+ device has been designed to enhance the functionality and theft protection provided by its first, second and third generation PASS-Key, PASS-Key II, and PASS-Key III devices. GM also referenced data provided by the American Automobile Manufacturers Association (AAMA) in support of the effectiveness of GM's PASS-Key devices in reducing and deterring motor vehicle theft. Specifically, GM stated that the AAMA's comments referencing the agency's Preliminary Report on "Auto Theft and Recovery Effects of the Anti-Car Theft Act of 1992 and the Motor Vehicle Theft Law Enforcement Act of 1984", (Docket 97-042; Notice 1), showed that between MYs 1987 and 1993, the Chevrolet Camaro and Pontiac Firebird vehicle lines experienced a significant theft rate reduction after installation of a Pass-Key like antitheft device as standard equipment on the vehicle lines.

GM also noted that theft data have indicated a decline in theft rates for vehicle lines equipped with comparable devices that have received full exemptions from the parts-marking requirements. GM stated that the theft data, as provided by the Federal Bureau of Investigation's

National Crime Information Center (NCIC) and compiled by the agency, show that theft rates are lower for exempted GM models equipped with the PASS-Key like systems than the theft rates for earlier models with similar appearance and construction that were parts-marked. Based on the performance of the PASS-Key, PASS-Key II, and PASS-Key III devices on other GM models, and the advanced technology utilized in PASS-Key III+, GM believes that the PASS-Key III+ device will be more effective in deterring theft than the parts-marking requirements of 49 CFR Part 541.

GM stated that it believes that PASS-Key III+ devices will be more effective in deterring theft than the parts-marking requirements, the agency should find that installation of the PASS-Key III+ device on the Chevrolet Bolt vehicle line is sufficient to qualify it for full exemption from the parts-marking requirements.

Based on the evidence submitted by GM, the agency believes that the antitheft device for the Chevrolet Bolt vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541). The agency concludes that the device will provide four of the five types of performance listed in §543.6(a)(3): promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the

parts-marking requirements of Part 541. The agency finds that GM has provided adequate reasons for its belief that the antitheft device for the Chevrolet Bolt vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR Part 541). This conclusion is based on the information GM provided about its device.

GM's proposed device lacks an audible or visible alarm therefore, this device cannot perform one of the functions listed in 49 CFR Part 543.6(a)(3), that is, to call attention to unauthorized attempts to enter or move the vehicle. GM compared its proposed device to other devices NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. GM compared its device to those antitheft devices installed on the Chevrolet Corvette, Chevrolet Camaro and Pontiac Firebird vehicle lines, which have all been granted parts-marking exemptions by the agency. Using an average of three model years' data (2011-2013), theft rates for the Chevrolet Corvette, Chevrolet Camaro and the Pontiac Firebird vehicle lines are 1.2698 and 2.7032 respectively. GM has not produced the Pontiac Firebird vehicle line since MY 2002. Therefore, no current theft rate data exist for this vehicle line.

For the foregoing reasons, the agency hereby grants in full GM's petition for exemption for the Chevrolet Bolt vehicle line from the parts-marking requirements of 49 CFR Part 541. The agency notes that 49 CFR Part 541, Appendix A-1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR Part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the

petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If GM decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR Parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if GM wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Issued in Washington, DC
under authority delegated in 49 CFR 1.95.

Raymond R. Posten
Associate Administrator for Rulemaking

BILLING CODE: 4910-59-P

(Signature page, Grant of Petition for Exemption, MY 2017 Chevrolet Bolt)

[FR Doc. 2016-04568 Filed: 3/1/2016 8:45 am; Publication Date: 3/2/2016]